UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,571	12/19/2000	Kathryn L. Parker	MS #155647.1/40062.88-US-	5903

7590 03/16/2004	EXAMINER
Homer L. Knearl	PATEL, HARESH N
Merchant & Gould P.C.	

ART UNIT	PAPER NUMBER
2154	

P.O. Box 2903
Minneapolis, MN 55402-0903

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/741,571	Applicant(s) PARKER ET AL.
	Examiner Haresh Patel	Art Unit 2154

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _2-13_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _2-13_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _19 December 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _8_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 2-13 are presented for examination. Claim 1 has been cancelled.

Information Disclosure Statement

2.   An initialed and dated copy of Applicant's IDS form 1449, Paper No. 7, is

attached to the instant Office action.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 2-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et

al. 6,587,835 (Hereinafter Treyz).

5.   As per claims 2, 6 and 9, Treyz teaches the following:

a method of notifying a user of a notification event occurring in a small computer

device, the small computer device having a memory (e.g., a handheld computing device,

abstract), the method comprising:

a computer program product readable by a computer and encoding instructions for executing a computer process for notifying a user of notification events (e.g., a handheld computing device notifications, figure 69), the process comprising,

a computer system for notifying a user of notification events (e.g., a handheld computing device notifications, figure 69), the system comprising:

storing more than one profile of notification events in the memory of the small computer device wherein the notification events are associated with at least one notification type, notifying a user of an event according to the stored profile (e.g., multiple users may be supported by handheld computing device, col., 26, lines 29-33, hence, each user may access a different shopping list and set different notification settings. As disclosed in figure 69 each user after loggin on selects and applies a particular notification mode inorder to receive a notification of an event. Each message type (fig. 69) denotes different profiles that a user can adjust to receive notification of events, i.e., proximity, local, notifications, etc, col., 35, line 53 – col., 36, line 10, col., 44, lines 20-65),

at least one profile of notification events (e.g., the user can select message types, like, proximity, local, notifications, reminders, e-mail, etc. The message types are different types of events. The alert response for each message type, like, vibration, visual only, tone, etc are the different types of notifications, which user can select for each event figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65), wherein the notification events are associated with at least one notification type (e.g., the user can select message types, like, proximity, local, notifications, reminders, e-mail, etc. The message types are different types of events. The alert response for each message type,

like, vibration, visual only, tone, etc are the different types of notifications, which user

can select for each event figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines

20 – 65),

associating each profile with a unique notification mode (e.g., the relationship

between the message types (notification event) and the alert response (notification type)

for each message type, like, vibration, visual only, tone, etc., figure 69 and 70, col. 35,

line 53 – col. 36, line 10, col. 44, lines 20 – 65),

receiving a selection signal to select one notification mode (e.g., graphical user

interface prompts to the user, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

applying the selected notification mode to the small computer device wherein the

device remains in the selected mode until another mode is selected and wherein the user

is notified of events according to the selected notification mode, notifying a user of an

event according to the stored profile (e.g., user can store his personnel settings for the

messages events with the notification types and to select the events versus notification

types, which can be saved locally or at a remote server and which user can modify

whenever he desires to do so, figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44,

lines 20 – 65),

a memory unit for storing a plurality of profiles (e.g., storage, figure 4), the

profile relating notification events with notification types (e.g., user can store his

personnel settings for the messages events with the notification types and to select the

events versus notification types, which can be saved locally or at a remote server and

which user can modify whenever he desires to do so, figure 69 and 70, col. 35, line 53 –

col. 36, line 10, col. 44, lines 20 – 65),

a first output device for notifying the user of a notification event using a first

notification type (e.g., speaker to provide audible alert to the user, col. 35, lines 53-64),

a second output device for notifying the user of the notification event using a

second notification type wherein the second notification type is different from the first

notification type (e.g., vibration unit 116 may be used to vibrate handheld computing unit

when it is desired to alert the user by vibrations without disturbing people in the vicinity

of handheld computing unit by not using an audible alert, col. 15, line 64 – col.16, line

15);

a processing unit in response to a profile selected from the profiles in the memory

unit automatically determining whether to notify the user using the first notification type

or the second notification type (processor, figure 4, audio tones or vibration unit, col. 15,

line 64 – col.16, line 15).

6.   As per claims 3-5, 7, 8, 10-13, Treyz teaches the following:

a calendar-type application program storing reminder events and wherein the

selection signal is generated by the calendar-type application program, the notification

event is a calendar event stored by a calendar-type application program (e.g., calendar of

events at a bookstore, if the user is interested in the event, the user may select set

reminder option, col. 35, lines 53-64),

the notification event is the reception of email over a wireless network, (e.g., the

handheld computing device may also be used for communications functions such as

sending and receiving e-mail. Wireless communications may involve short-range or local

wireless links and may also involve longer-range or remote wireless links (col. 2, lines 11-15),

receiving an indication to select a notification mode (e.g., graphical user interface provided by the handheld device to the user for notification mode selections, col. 35, lines 53-64),

displaying a notification mode menu; and wherein the received selection signal relates to a selection from the displayed notification mode menu (e.g., graphical user interface providing a user to select message types, like, proximity, local, notifications, reminders, e-mail, etc. The message types are different types of events. The alert response for each message type, like, vibration, visual only, tone, etc are the different types of notifications, which user can select for each event (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

applying the selected notification mode to the small computer device and wherein the device remains in the selected mode until another mode is selected and wherein the user is notified of events according to the selected notification mode (e.g., the user can select and set notification events. The user settings are retained using the handheld device for each user. The user is also allowed to select and set notification types for the notification events. Also the user is allowed to select or modify or retain the notification type for each notification event, in the manner the user desires to do so (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

associating each profile with a unique notification mode (e.g., the user can select and set notification events. The user settings are retained using the handheld device for each user. The user is also allowed to select and set notification types for the notification

events. Also the user is allowed to select or modify or retain the notification type for

each notification event, in the manner the user desires to do so (e.g., figure 69 and 70,

col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

receiving a selection signal to select one notification mode (e.g., graphical user

interface provided by the handheld device to the user for notification mode selections,

col. 35, lines 53-64),

the notification type is a vibrating signal, audible signal, visual signal or off, the

first notification type is an audible signal and the second notification type is a visual

display, the first notification type is a vibration signal and the second notification type is

an audible signal (e.g., audio tones or vibration unit etc. with different output notification

types, col. 15, line 64 – col.16, line 15).

Conclusion

7.   Examiner makes a note that the subject matter of claims 2-13 is also clearly

anticipated by the international search report cited references. (See, applicant submitted

IDS, paper number 7).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234.

The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from

10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

March 11, 2004

ZARNI MAUNG
PRIMARY EXAMINER